

REMARKS

Claims 1, 3, 6-15, 17-19 and 21-29 are currently pending in the subject application and are presently under consideration. A current listing of all pending claims is at pp. 2-6 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 7-13, 15, 21-26 and 29 Under 35 U.S.C. §103(a)

Claims 1, 7-13, 15, 21-26 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Engstrom *et al.* (US Patent Pub. 2004/0132492 A1) in view of Schultz *et al.* (US Patent 5,679,943). Reversal of this rejection is requested for at least the following reasons. Engstrom *et al.* and Schultz *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claims.

To reject claims in an application under §103, an examiner must show an unrebutted *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The Federal Circuit has also held that the level of skill in the art cannot be relied upon to provide the suggestion to combine references. *See Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed Cir. 1999).

Applicant's claimed invention relates to systems and methods for facilitating orientation of a display upon a machine data reader, such as a barcode scanner, based at least in part upon a user-defined orientation of a moveable keypad. Independent claims 1, 15 and 23 recite similar elements, namely: *a keypad that is moveable with respect to a body of the machine data reader, the keypad utilized to relay information to the machine data reader; a component that senses a position of the keypad; a component that orients the display based at least in part upon the*

sensed position of the keypad; a customization component that customizing size of at least one of text and imagery of the display as a function of the sensed keypad position; a detachable face that is detachable from the body of the machine data reader and re-attachable at a rotation of 180 degrees from an initial position, the keypad and the display resident upon the detachable face; and a component that senses a position of the detachable face, the display oriented at least in part upon the sensed position of the detachable face. In particular, the claimed invention enables a keypad and display to be oriented desirably to a user when attempting to enter data into the machine data reader. The machine data reader is typically a wearable barcode scanner that can be attached to either arm of a user. Engstrom *et al.* and Schultz *et al.*, individually or in combination, fail to teach or suggest such aspects of the claimed invention.

Engstrom *et al.* relates to a mobile communications device that includes an interchangeable cover addition for display and key orientation. The mobile communications device 110 houses a display 115 and numeric keys 125/127, as shown in Fig. 1A. The interchangeable cover 160 comprises a display window 150 and a plurality of keycaps 155/157. The interchangeable cover also contains electronic components disposed inside the covering. The electronic components act to redefine the re-oriented numeric keys. The interchangeable cover slides over the mobile communications device, positioning the keycaps to cover the input keys. The keycaps are marked to indicate the re-defined function of the input keys. (See pg. 2, paragraphs [0030]-[0033]). Instead of keycaps, the interchangeable cover may contain substitute keys for the modified mobile communications device. If substitute keys are provided, the keys 125/127 of the mobile communications device 110 are disabled from supplying input to the modified mobile communications device. (See pg. 2, paragraph [0036]).

In contrast, applicant's claimed invention discloses a machine data reader comprising a detachable face that can be oriented according to user preference, and wherein a keypad and display are resident upon the detachable face and are moveable with respect to a body of the machine data reader to facilitate desirable orientation for the user. Specifically, the machine data reader includes a detachable face that can be detached from a body of the machine data reader and re-attached at a rotation of 180 degrees from an initial position. The detachable face includes a moveable keypad that can be oriented according to user preference. The detachable face further includes a display that is automatically oriented upon a sensed orientation of the moveable keypad. For example, if the moveable keypad is translated clockwise at an angle of 90

degrees relative to the detachable face from an initial position, then the display will likewise be translated clockwise approximately 90 degrees relative to the detachable face. (See Page 14, lines 19-27).

As stated *supra*, Engstrom *et al.* merely discloses an interchangeable cover that utilizes keycaps disposed over the input keys to re-orient the input keys. The keypad and display are not resident upon the interchangeable cover, but remain a stationary part of the mobile communications device. The interchangeable cover of Engstrom *et al.* is designed to merely slide over the mobile communications device. Upon placement of the interchangeable cover over the mobile communications device, keycaps are positioned to cover the input keys. The keycaps are marked to indicate the re-defined function of the input keys. Electronic components disposed within the interchangeable cover act to re-define the function of the input keys according to the keycaps. (See pg. 2, paragraphs [0034]-[0035]). Thus, Engstrom *et al.* does not disclose a machine data reader comprising a detachable face that can be oriented according to user preference. Accordingly, Engstrom *et al.* is silent with regard to a machine data reader comprising *a detachable face that is detachable from the body of the machine data reader and re-attachable at a rotation of 180 degrees from an initial position, the keypad and the display resident upon the detachable face* and are moveable with respect to the body of the machine data reader to facilitate desirable orientation for the user.

Schultz *et al.* does not make up for the aforementioned deficiencies of Engstrom *et al.* with respect to independent claims 1, 15 and 23. Schultz *et al.* relates to a hand-held terminal for receiving, storing and transmitting information. The terminal has a keyboard, a display and is powered by internal, rechargeable batteries. The terminal may also have a display screen with which the user can interact using a writing instrument. A low-power radio frequency transceiver is provided for receiving and transmitting information between the terminal and a base radio transceiver. Further, a modular, magnetic credit card reader is operably and removably attached to the terminal and is interchangeable with a scanner. (See col. 2, lines 41-59). The Examiner cites Schultz *et al.* for disclosing a handheld terminal having a barcode scanner, a card reader, and a keypad that is detachable from the terminal. (See Page 4, Final Office Action dated 6-26-06). Accordingly, Schultz *et al.* is silent with regard to *a detachable face that is detachable from the body of a machine data reader and re-attachable at a rotation of 180 degrees from an initial position, the keypad and the display resident upon the detachable face*.

In view of the aforementioned deficiencies of Engstrom *et al.* and Schultz *et al.*, it is respectfully submitted that this rejection be withdrawn with respect to independent claims 1, 15 and 23 (which claims 7-13, 21-22, 24-26 and 29 respectively depend there from).

II. Rejection of Claims 3 and 19 Under 35 U.S.C. §103(a)

Claims 3 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Engstrom *et al.* in view of Schultz *et al.* and further in view of Kfouri *et al.* (US Patent Pub. 2003/0044000). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Engstrom *et al.*, Schultz *et al.* and Kfouri *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, Kfouri *et al.* does not make up for the aforementioned deficiencies of Engstrom *et al.* and Schultz *et al.* with respect to independent claims 1 and 15 (which claims 3 and 19 respectively depend there from). Thus, the subject invention as recited in claims 3 and 19 is not obvious over the combination of Engstrom *et al.*, Schultz *et al.* and Kfouri *et al.* Therefore, it is respectfully submitted that this rejection be withdrawn.

III. Rejection of Claims 6, 13, 14, 17, 18, 27 and 28 Under 35 U.S.C. §103(a)

Claims 6, 13, 14, 17, 18, 27 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Engstrom *et al.* as modified by Schultz *et al.* as applied to claims 1, 15 and 23 above, and further in view of Knox (US Patent 6,004,049). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Engstrom *et al.*, Schultz *et al.* and Knox, individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, Knox does not make up for the aforementioned deficiencies of Engstrom *et al.* and Schultz *et al.* with respect to independent claims 1, 15 and 23 (which claims 6, 13-14, 17-18 and 27-28 depend there from). Thus, the subject invention as recited in claims 6, 13-14, 17-18 and 27-28 is not obvious over the combination of Engstrom *et al.*, Schultz *et al.* and Knox. Therefore, it is respectfully submitted that this rejection be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SYMBP187US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,
AMIN, TUROCY & CALVIN, LLP

/Marisa Joy Zink/
Marisa Joy Zink
Reg. No. 48,064

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731